

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CELLCAST TECHNOLOGIES, LLC)	
)	
and)	
)	
ENVISIONIT LLC,)	
)	
Plaintiffs,)	
v.)	
)	No. 15-1307
THE UNITED STATES,)	
)	Judge Ryan T. Holte
Defendant,)	
)	
and)	
)	
INTERNATIONAL BUSINESS MACHINES)	
CORPORATION,)	
)	
Third-party Defendant.)	
)	

JOINT STATUS REPORT PROPOSING A SCHEDULE
IN RESPONSE TO THE COURT’S ORDER OF FEBRUARY 25, 2021

Plaintiffs, CellCast Technologies, LLC and EnvisionIT (collectively, “Plaintiffs”) and defendant, the United States and third party defendant, International Business Machines Corporation (collectively, “Defendants” and, collectively with Plaintiffs, “the Parties”) jointly propose the following schedule, pursuant to the Court’s order dated February 25, 2021 (Docket No. 175), and respectfully request the Court adopt, the following schedule:

Event	Date:
Deadline for the Parties to Engage in Mediation ¹	May 7, 2021
Opening Expert Reports Due	May 31, 2021

¹ Plaintiffs and Defendants note that they have agreed to a more extended schedule for expert discovery than they originally proposed, only because: 1) Defendants raised scheduling conflicts, and 2) the added time provides an opportunity for Plaintiffs and the government to attempt to mediate this case.

Event	Date:
Rebuttal Expert Reports Due	August 9, 2021
Reply Expert Reports Due	September 20, 2021
Close of Expert Discovery	October 11, 2021
Motions for Summary Judgment Due	November 15, 2021

Defendants respectfully state that there are two motions that they anticipate filing in the near future: a motion by Defendants to supplement their invalidity contentions and a motion by the government for invalidity of the asserted patents under 35 U.S.C. 101. Plaintiffs anticipate opposing Defendants' anticipated motions.

Plaintiffs respectfully ask the Court to set a date for a liability trial in this case to occur during the summer of 2022. Defendants propose that the Court maintain the approach provided for in the previous scheduling order (*i.e.* that a scheduling conference to discuss the trial would occur within fourteen (14) days after the Court's summary judgment decision).

Respectfully submitted,

/s/ Peter J. Chassman
PETER J. CHASSMAN
Texas Bar No. 00787233
Reed Smith LLP
811 Main Street
Suite 1700
Houston, TX 77002-6110
Telephone: (713) 469-3885
Facsimile: (713) 469-3889
E-mail: pchassman@reedsmith.com

*Attorneys for CellCast Technologies, LLC
and EnvisionIT, LLC*

Respectfully submitted,

BRIAN M. BOYNTON
Assistant Attorney General

GARY L. HAUSKEN
Director

/s/ Joshua I. Miller
JOSHUA I. MILLER
Trial Attorney
Commercial Litigation Branch
Civil Division
Department of Justice
Washington, DC 20530
Tel: (202) 353-0526
Fax: (202) 307-0345

joshua.miller2@usdoj.gov

Attorneys for the United States

Respectfully submitted,

/s/ Mark J. Abate

Mark J. Abate

Calvin E. Wingfield Jr.

Goodwin Procter LLP

The New York Times Building

620 Eighth Avenue

New York, NY 10018

Tel: (212) 813-8000

Fax: (212) 355-3333

mabate@goodwinprocter.com

cwingfield@goodwinprocter.com

*Counsel for International Business
Machines Corporation*